



NATIONAL
FLOOD
INSURANCE
PROGRAM



The Flood Insurance Rate Map (FIRM) Adoption Process

Based on FIA-12/December 1993 Appeals, Revisions, &
Amendments to NFIP Maps: A Guide for Community Officials

Kentucky Flood Map Modernization Effort

KDOW/KDGI

Basics / Background:

The Legislature of the Commonwealth of Kentucky has delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Each community must in turn adopt an ordinance that meets or exceeds the minimum requirements of Title 44 Code of Federal Regulations (CFR) 60.3 in order to join and maintain good standing in the National Flood Insurance Program (NFIP).

Things to Consider:

Every ordinance passed by a governing body shall be certified by the appropriate city or county clerk, signed by the community Chief Executive Officer (Mayor or Judge/Executive), the majority of the members of the Fiscal Court or City Council, recorded in the community's ordinance book, and published at least one time in some newspaper of the community; all of which shall be done before such ordinance shall be effective. A public hearing may be required prior to these actions. **Please consult with your community attorney or the Kentucky Division of Water (KDOW).**

Adoption Process:

- The preliminary Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) data is delivered to the community by certified mail. A 30-45 day community review period ensues.
- After the initial review period, KDOW will contact each mapped community to schedule a Preliminary DFIRM Community Coordination

(PDCC) meeting. At the PDCC meeting, local officials will provide comments to KDOW on the DFIRMs.

- After all comments are addressed, the Kentucky Division of Water (KDOW) publishes a notice of the proposed new or revised Base Flood Elevations (BFEs) in a local paper. The local newspaper notice is published twice, one week apart. On the date of the second publication, the 90-day appeal period begins.
- The community reviews the preliminary FIS/FIRM information and submits its comments within the 90-day period; comments are processed and incorporated into the study and map as appropriate.
- The community determines what, if any, changes to its current ordinance are required, such as the addition of the effective date of the new map. For more information see the Kentucky model Flood Damage Prevention Ordinance at <http://www.water.ky.gov>.
- Once all appeals and/or protests are resolved, a Letter of Final Determination (LFD) is sent to the community stating that the study and map will become effective in six months.
- The community implements its procedures for ordinance adoption (publishing the public notice, holding public hearing(s), etc.), adopts the ordinance with the new FIRM effective date within 90 days (prior to the end of the six month compliance period), then forwards a copy of the ordinance to the State NFIP Coordinator. The Coordinator forwards the ordinance to FEMA.

What is an Appeal?

- An appeal must be based on technical data that show the proposed BFEs to be scientifically or technically incorrect.
- Appellants who contend that the BFEs are incorrect because better methodologies could have been used or better data could have been used must provide alternative analyses that incorporate such methodologies, assumptions, or data and that quantify their effect on the BFEs.
- KDOW will review the alternative analyses and determine whether they are superior to those used for the FIS.

What is a Protest?

- Protests will generally involve changes to: a) Floodplain boundary delineations; 2) Corporate limits, or; 3) Roads and road names.

- If topographic maps or other ground elevation data are submitted that are of greater detail than those used by KDOW or that show more recent topographic conditions, KDOW will use them to revise the floodplain boundaries shown on the FIRM where possible.
- All maps and other supporting data submitted must be certified by a registered professional engineer and / or a licensed land surveyor and must reflect existing conditions.

What is the Six-Month Compliance Period?

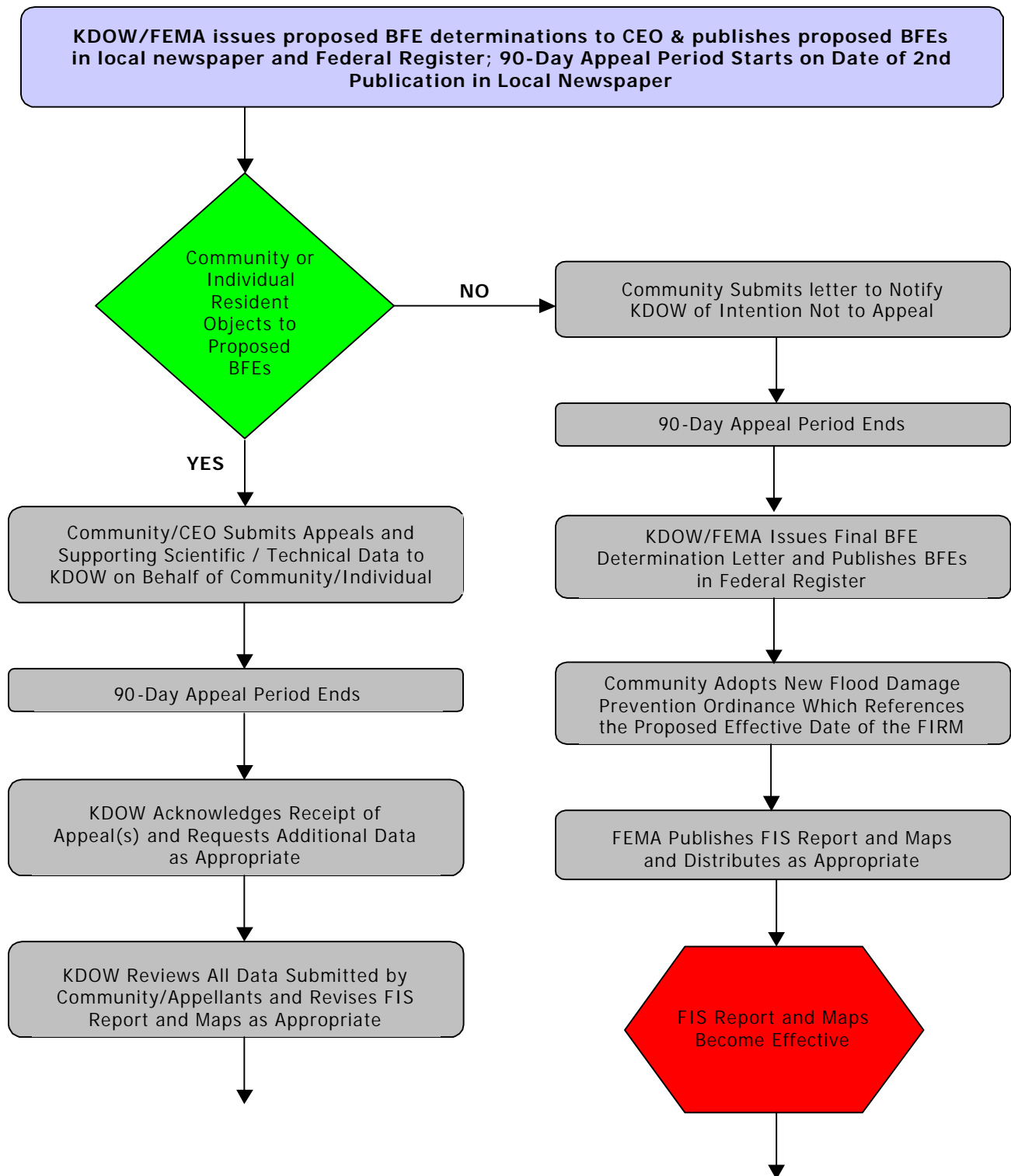
- The LFD initiates the six-month compliance period. This letter informs the community that the new FIRM will go effective six months from that date and that the local ordinance must be updated and readopted within six months or the community will be suspended from the NFIP.
- Unless FEMA is notified (by the State NFIP Coordinator) that the community is compliant before the end of the 6-month period, the community will be suspended from the NFIP.

What Does Suspension Mean?

- Federally backed flood insurance will no longer be available. No property owner or renter within the community will be able to purchase a new policy and existing flood insurance policies will not be renewed. The lender may call in mortgages.
- No Federal grants or loans for development may be made in the Special Flood Hazard Areas (SFHA) of the community under programs administered by Federal agencies such as EPA, FHS, HUD, SBA, VA, and others.
- No Federal disaster assistance may be provided to repair insurable buildings located in the community's SFHA.
- Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in SFHAs that:
 - No loan that requires Federally backed insurance is available, and;
 - The property is not eligible for Federal disaster relief.

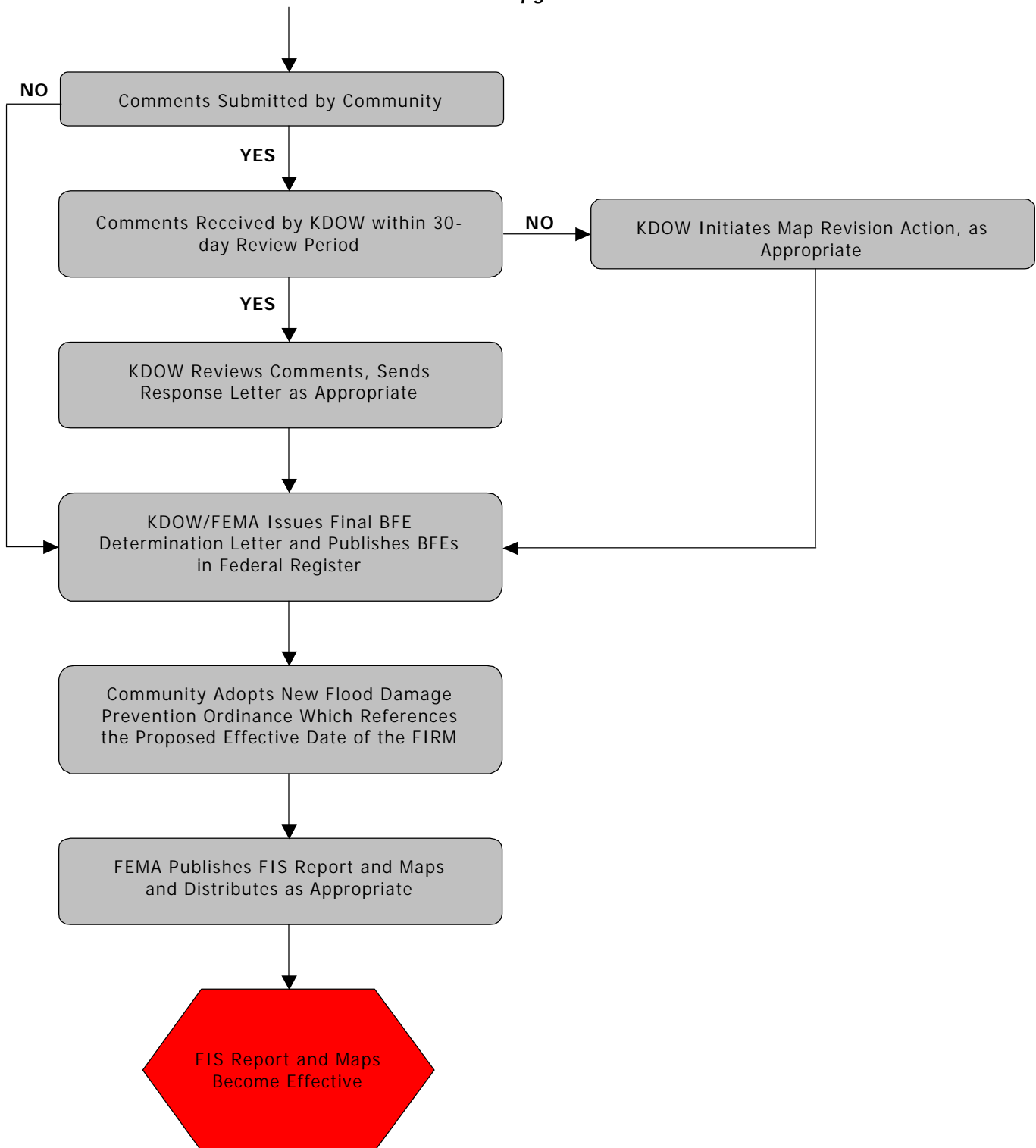
The flowcharts below outline the procedures for processing appeals and protests.

Procedure for Processing Appeals

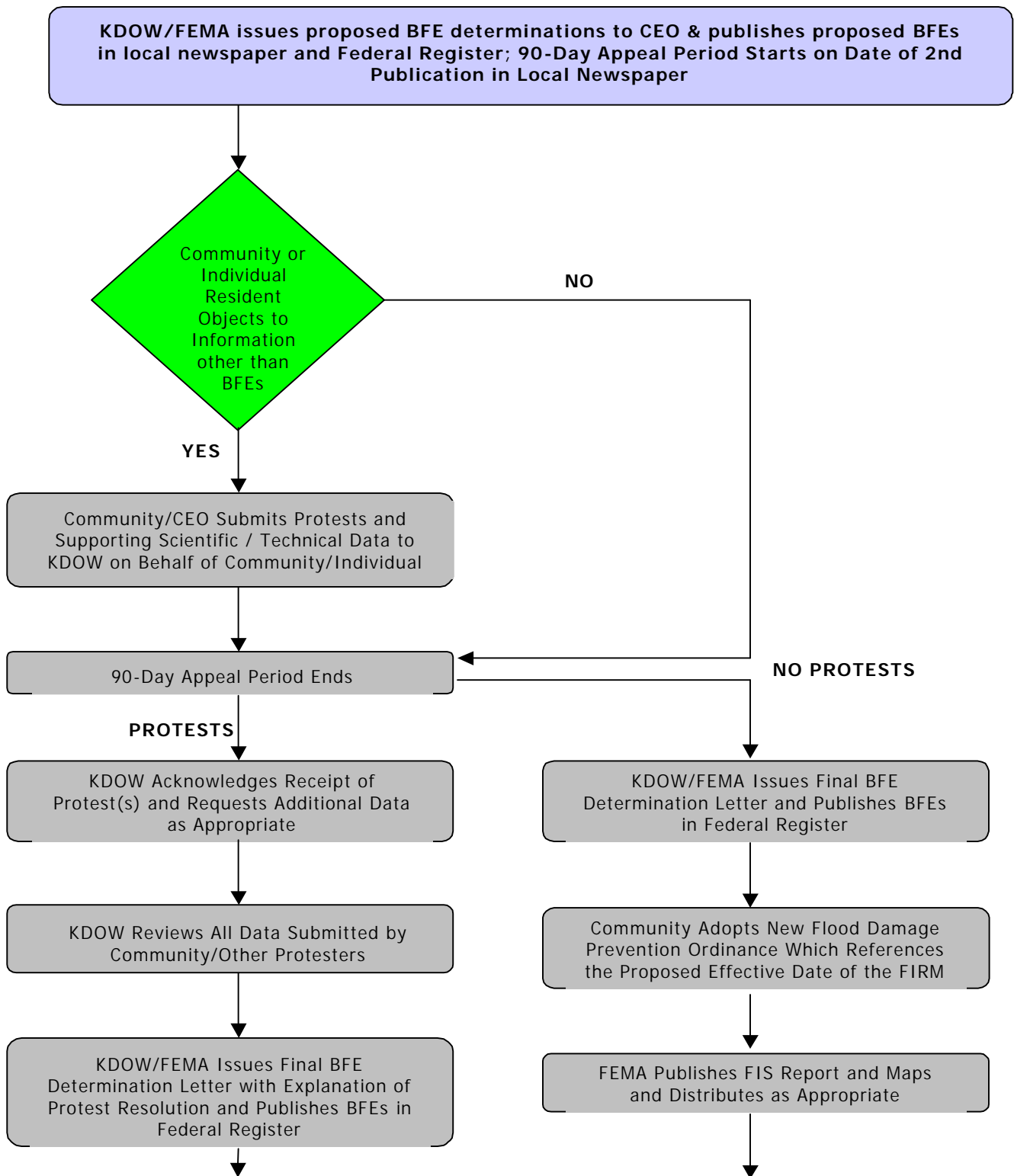


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Procedure for Processing Protests



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